

REMARKS

Claims 3, 5, 6-8, 12-17, 19-21, 26-30, 32-34 and 38-59 were pending in the captioned application. Claims 38-59 have been canceled. No new matter is added.

This Amendment is being filed pursuant to a teleconference between Examiner Ganapathy Krishnan and Muna Abu-Shaar, Attorney for Applicants, on September 15, 2004 (the "Teleconference"). Applicants thank the Examiner for the courtesy of the Teleconference. Applicants respectfully request that the amendments and remarks made herein be entered and made of record of the instant application.

As made clear during the Teleconference, it is the Examiner's opinion that the "immunoneutral" characteristic recited in claims 38-59 is an inherent feature of the poly- β -1 \rightarrow 4-N-acetylglucosamine compounds and poly- β -1 \rightarrow 4-glucosamine compounds of claims 3, 5, 6-8, 12-17, 19-21, 26-30 and 32-34, making claims 38-59 duplicative of claims 3, 5, 6-8, 12-17, 19-21, 26-30 and 32-34. In response, Applicants are canceling claims 38-59 to expedite prosecution of the instant application and without prejudice to Applicants' rights to pursue the subject matter of the canceled claims in one or more related applications.

The Examiner asserted during the Teleconference that the instant claims are obvious under the judicially created doctrine of obviousness-type double over claims of (1) U.S. Patent No. 5,858,350; (2) U.S. Patent No. 5,624,679; (3) U.S. Patent No. 5,623,064; (4) U.S. Patent No. 6,063,911; and (5) U.S. Patent No. 6,630,459. In response, and without agreeing with the double patenting rejections, Applicants submit herewith a Terminal Disclaimer of the instant application over each of the above-identified patents. Applicants submit that the submission of the Terminal Disclaimer obviates the rejections.

CONCLUSION

Entry of the foregoing amendment and remarks into the record of the above-identified application is respectfully requested. Applicants submit that the remarks and amendments made herein now place the claims in condition for allowance. If any issues remain in connection herewith, the Examiner is respectfully invited to telephone the undersigned to discuss the same.

Respectfully submitted,

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Limited Recognition Under 37 C.F.R. § 11.9(b)
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